

REMARKS

The Office rejected Claims 1-27 under 35 U.S.C. § 102(e) in view of a publication to Hosaka (U.S. 2004/0203320). The present application is a U.S. national stage application of International Application PCT/JP04/05963 which was filed on April 23, 2004. Therefore, the U.S. effective filing date of the present application is April 23, 2004.

The present application names four inventors; Hiroshi Shiho, Yukio Hosaka, Kou Hasegawa, and Nobuo Kawahashi. The inventive entity of the present application and the inventive entity of the Hosaka publication cited by the Office as prior art under 35 U.S.C. § 102(e) are the same. Because the inventive entities of the present application and Hosaka are the same, Hosaka is not an application for a patent "by another" as required by 35 U.S.C. § 102(e). Hosaka therefore does not qualify as prior art to the present application and the rejection should be withdrawn.


Applicants request withdrawal of the rejection and the passage of all now-pending claims to allowance.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.
Norman F. Oblon

Customer Number
22850

Tel: (703) 413-3000
Fax: (703) 413 -2220
(OSMMN 08/07)



Stefan U. Koschmieder, Ph.D.
Attorney of Record
Registration No. 50,238